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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,992	06/25/2003	Harald Lichtinger	2003P06347US; 60,426-613	4774
24500	7590	10/05/2005	EXAMINER GIBSON, RANDY W	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			ART UNIT 2841	
			PAPER NUMBER	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.		Applicant(s)	
	10/603,992		LICHTINGER ET AL.	
	Examiner		Art Unit	
	Randy W. Gibson		2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/25/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3 August 2005 have been fully considered but they are not persuasive. Regarding the objection to the drawings, Figure 2 would need to be modified to show where element 40 is attached to seat belt 22 or mechanism 32 for each of the two embodiments so that the reader can understand how this sensor fits into the overall system (See Figure 1 of Wolfe et al (US # 6,583,367), for an example).

Without a clear illustration, as required *supra*, the written description's brief statement that the sensor may be attached to a portion of either the belt or buckle is difficult to understand (without consulting applicant's remarks in the file history) since the written description does not say how this may be done, and no examples are illustrated. Therefore the objection to the written description still stands.

Regarding the objection to the claims, the examiner notes that the written description, in the paragraphs referred to by the applicant, expressly states that "plate 42 includes a first end 44 that is attached via a loop connection 46 to material that forms a portion of the seat belt 22 [emphasis added]" while the claims call for "a rigid member attached to only one of said male or female members and having a first end for supporting a seat belt portion and a second end integrally formed with said first end for attachment to a vehicle structure [emphasis added]". See claim 35. The claims as worded seem to require that the rigid member be connected directly to the buckle, not indirectly coupled to the buckle through the belt. Without a clear showing of either

embodiment in any figure, and without a clear example described in the written description, it is difficult to properly interpret the claims to figure out what applicant is trying to claim.

If the claims are interpreted as broadly as applicant suggests, then all applicant is claiming is a conventional airbag controller equipped with a conventional seatbelt tension sensor that could read on almost any of the references of record. Applicant has also stated that the examiner has not identified which element in Aoki corresponds to the “rigid member” in the claims; this argument seems to be a mere technicality since the strain sensor 14 is clearly mounted on plate 12. Obviously element 12 is “attached” to a “vehicle structure” in the same way that applicant’s sensor is “attached” to the male or female members of the belt buckle (I.E.: attached indirectly, through something else, since applicant is interpreting his own specification in such a way that a device that is expressly described as being attached to a seat belt is still considered by the applicant to be attached to the buckle – through means of the belt). Besides, since the term “structure” is not defined, then as long as element 12 is attached to anything that can be fairly considered to be part of the vehicle (such as buckle body 11), then it obviously meets the claim as worded, given it’s broadest reasonable interpretation.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment where

the "rigid member" is attached to "one of said male or female members" must be shown or the feature(s) canceled from the claim(s). Specifically, Figure 2 would need to be modified to show where element 40 fits onto seat belt 22 or mechanism 32 for each embodiment so that the reader can understand how this sensor fits into the system (See Figures 1 & 2 of Wolfe et al, for an example). Currently, the rigid member is not shown attached to anything, so it is unclear exactly where this rigid member attaches itself to the seat belt. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: it is unclear from the written description exactly how the "rigid member" could be attached to the "one of said male or female members". Since loop 46 is intended to hold a portion 22 of the belt, and the other end is intended to attach to the vehicle frame, then what part of sensor assembly is attached to the male or female member of the seatbelt buckle? Apparently none of it is since this sensor assembly as described is attached between the belt and the frame, not between a portion of the buckle and the vehicle frame. Appropriate correction is required.

Claim Objections

4. Claims 35-52 are objected to because of the following informalities: it is unclear what is meant by the claim limitation of "a rigid member attached to only one of said male or female members and having a first end for supporting a seat belt portion and a second end integrally formed with said first end for attachment to a vehicle structure", since this is not actually shown nor described. Since loop 46 is intended to hold a portion 22 of the belt, and the other end is intended to attach to the vehicle frame, then what part of sensor assembly is attached to the male or female member? Apparently none of it is since this sensor assembly as described is attached between the belt and the frame, not between a portion of the buckle and the vehicle frame as claimed. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 35, 26, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki (US # 6,264,236) in view of in view of Steffens, Jr. (US # 6,282,473 B1). Aoki discloses the claimed invention including a plurality of weight sensors (21) and a seatbelt tension sensor (Figure 2a). Aoki discloses the claimed invention except for determining the occupant's center of gravity. Steffens, Jr. teaches that it is known in a four corner seat sensor system, such as the one of Aoki, to use the four separate weight sensor signals to determine occupant's center of gravity to give more precise control over the amount of inflation of the airbag to prevent injury to the occupant based on his Location (Col. 3, lines 15-23., Col. 5, line 48 to col. 6, line 42; Col. 9, lines 7-65). It would have been obvious to modify the device of Aoki to determine occupant's center of gravity, as taught by Steffens, Jr., to give better control over the amount of airbag inflation.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

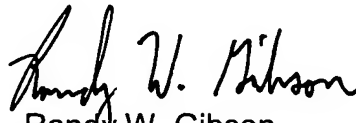
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (571) 272-2103. The examiner can normally be reached on Mon-Fri., 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Randy W. Gibson
Primary Examiner
Art Unit 2841